

OFFICE OF ATTORNEY GENERAL
FOR THE
Territory of Arizona.
PHENIX. TUCSON.

FRANCIS J. HENEY,
ATTORNEY GENERAL.

Tucson, September 21, 1894.

Hon. L. C. Hughes,
Governor of Arizona,
Phoenix, A.T.

Sir:-

When I was in Phoenix the other day you asked me the following question, to wit:

"If a supervisor holding the long term dies or resigns prior to the meeting of the county nominating conventions during the first two years of his term of office, and if the said vacancy is filled by appointment in the manner prescribed by Section 388 of the Revised Statutes of Arizona 1887, prior to the holding of said conventions, is it the duty of the Governor in issuing his proclamation of election to designate said office of supervisor so filled by appointment as one of those which must be filled by election?"

After a careful examination of the question I beg leave to advise you as follows, to wit: Sec.388 Revised Statutes of Arizona 1887, provides that whenever a vacancy occurs in the office of supervisor, the remaining supervisors together with the Probate Judge must fill the vacancy etc. It wholly fails to specify the term for which said appointee is thus selected. .

Sec.472 of the Revised Statutes of Arizona 1887, however, supplies the information. It provides and reads as follows, to wit:

"A vacancy in the office of supervisor is filled as provided in Chap. II of this act. A vacancy in the office of Probate Judge is filled by an appointee of the Chairman of the Board of Supervisors, Treasurer and Recorder. All other vacancies in township and county offices are filled by appointments made by the Board of Supervisors. Appointees hold until the vacancies are filled by election."

The words "appointees hold until the vacancies are filled by election" must evidently be construed to mean "these appointees hold until these vacancies are filled by election". In other words, I construe this to mean that such appointees hold their offices until the first succeeding election has filled the vacancy.

It is your duty therefor, under my construction of this law, to designate all such offices, including supervisors for the long term, which have been filled by appointment, as among the offices to be filled at the coming election.

Yours respectfully,

Francis J. Heney

Attorney-General of Arizona.

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R. W. Wright
Amun